

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****49 CFR Parts 541, 542 and 543**

[Docket No. NHTSA-2002-12231]

RIN 2127-A146

Federal Motor Vehicle Theft Prevention Standard

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The final rule extends NHTSA's anti-theft parts marking requirement to two different groups of vehicles. First, the Anti Car Theft Act of 1992 required the Attorney General to make a finding that NHTSA "shall apply" the parts marking requirements to below median theft rate passenger cars and multipurpose passenger vehicles with a gross vehicle weight rating of 6,000 pounds or less, unless the Attorney General found that the extension would not substantially inhibit chop shop operations and motor vehicle thefts. The Attorney General did not make that finding about the extension. Accordingly, the Attorney General found that the standard should be extended. Since the Attorney General found that the standard should be extended, NHTSA is required by the Act to issue this final rule extending the parts marking requirement to all below median theft rate passenger cars and multipurpose passenger vehicles (MPVs) that have a gross vehicle weight rating of 6,000 pounds or less, but have not been exempted under 49 CFR Part 543 on the grounds that they are equipped with an effective anti-theft device as standard equipment.

Second, to increase the effectiveness of the first extension, this final rule also extends the parts marking requirement to below median theft rate light duty trucks with major parts that are interchangeable with a majority of the covered major parts of the below median theft rate multipurpose passenger vehicles and other passenger motor vehicles made subject to the requirement by the first extension. If this additional extension were not made, it would reduce the ability of investigators to treat the absence of intact markings on these multipurpose passenger vehicles and other passenger vehicles as a "red flag" indicating a need for further investigation.

DATES: This final rule is effective September 1, 2006. Voluntary

compliance is permitted before that time. If you wish to submit a petition for reconsideration of this rule, your petition must be received by June 7, 2004.

ADDRESSES: Petitions for reconsideration should refer to the docket number and be submitted to: Administrator, Room 5220, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

Privacy Act: Anyone is able to search the electronic form of all petitions received into any of our dockets by the name of the individual submitting the petition (or signing the petition, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: For technical and policy issues, you may contact Deborah Mazyck, Office of Planning and Consumer Standards, (Telephone: 202-366-0846) (Fax: 202-493-2290).

For legal issues, you may contact George Feygin, Office of Chief Counsel (Telephone: 202-366-2992) (Fax: 202-366-3820).

SUPPLEMENTARY INFORMATION:**Table of Contents**

- I. Background and Summary
 - A. Motor Vehicle Theft Law Enforcement Act (1984)
 - B. Anti Car Theft Act of 1992
 - C. Attorney General's Initial Report (2000)
 - D. Notice of Proposed Rulemaking (2002)
- II. Final Rule
 - A. Extension of Parts Marking
 - 1. Below Median Theft Rate Passenger Cars and Multipurpose Passenger Vehicles
 - 2. Below Median Theft Rate Light Duty Truck Lines Having Major Parts Interchangeable with Below Median Theft Rate Passenger Cars and Multipurpose Passenger Vehicles
 - B. Continued Availability of Exemptions for Vehicles with Antitheft Devices
 - C. Exclusion of Small Volume Manufacturers
 - D. Other Issues
 - 1. More Permanent Methods of Parts Marking
 - 2. Marking of Air Bags and Window Glazing
 - 3. Gross Vehicle Weight Rating
 - 4. National Stolen Passenger Motor Vehicle Information System
- III. Appendix C to Part 541
- IV. Cost
- V. Effective Date
- VI. Rulemaking Analyses and Notices

I. Background and Summary**A. 1984 Motor Vehicle Theft Law Enforcement Act**

In 1984, Congress enacted the Motor Vehicle Theft Law Enforcement Act (the 1984 Theft Act), directing NHTSA to issue a theft prevention standard requiring vehicle manufacturers to mark the major parts¹ of "high-theft"² lines of passenger motor vehicles (parts marking).³ "Passenger motor vehicle" was defined in the 1984 Theft Act so as to exclude multipurpose passenger cars, leaving passenger cars as the only included type of vehicle. Pursuant to that mandate, NHTSA issued a standard requiring the marking of the major parts of passenger cars as well as the marking of replacement parts for those major parts. The standard, found at 49 CFR Part 541, became effective on April 24, 1986.⁴

The parts marking requirement has remained largely unchanged over the years. Manufacturers can meet the parts marking requirement with indelibly marked labels that cannot be removed without becoming torn or rendering the number on the label illegible. If removed, the label must leave a residue on the part so that investigators will have evidence that a label was originally present. Alteration of the number on the label must leave traces of the original number or otherwise visibly alter the appearance of the label material. A replacement major part must be marked with the registered trademark of the manufacturer of the replacement part, or some other unique identifier, and the letter "R".

As explained in a July 1998 agency report to Congress updating the findings of a 1991 agency report to Congress and evaluating the effects of the 1984 and 1992 Acts,⁵ NHTSA stated that parts marking deters motor vehicle theft and aids theft investigators by (1) allowing investigators to trace a stolen car more easily to its owner, prove it was stolen, and make an arrest; (2) allowing investigators in most jurisdictions to treat the absence of intact markings as

¹ Currently, the list of major parts includes: engine, transmission, hood, fenders, side and rear doors (including sliding and cargo doors and decklids, tailgates, or hatchbacks, whichever is present), bumpers, quarter panels, and pickup boxes and/or cargo boxes. See 49 CFR 541.5.

² Under the 1984 Theft Act, a "high theft" vehicle had or was likely to have had a theft rate greater than the median theft rate for all new vehicles for calendar years 1983 and 1984. Vehicles with theft rates higher (or lower) than the median theft rate are sometimes referred to in this document as "higher (or lower) than median theft rate."

³ See Pub. L. 98-547.

⁴ See 50 FR 43166 (October 24, 1985).

⁵ See July 1998 Report to Congress (Docket No. NHTSA-2002-12231-6).